

REMARKS

Administrative Overview

Initially, claims 1–19 were presented for examination. In an Office Action mailed on May 1, 2002, these claims were rejected. Claims 1, 5–6, and 11–14 were rejected under 35 U.S.C. § 103(a) as unpatentable over U.S. Patent No. 5,689,708 to Regnier et al. (“*Regnier*”) in view of U.S. Patent No. 5,671,354 to Ito et al. (“*Ito*”). Claims 2–3, 7–10, and 15–19 were rejected under 35 U.S.C. § 103(a) over *Regnier* in view of *Ito* and further in view of U.S. Patent No. 5,860,068 to Cook (“*Cook*”). Claim 4 was rejected over *Regnier* in view of *Ito* and further in view of U.S. Patent No. 5,794,207 to Walker et al. (“*Walker*”). A response, which cancelled claim 15, presented amended claims 1–14 and 16–19, and added new claims 20–36, was filed on September 3, 2002.

The present Office Action, mailed on November 15, 2002, stated that previously filed information disclosure statements failed to comply with 37 C.F.R. § 1.98(a)(2), required corrected drawings, and rejected the pending claims. Claims 16, 17, 19, 20, and 22 were rejected under 35 U.S.C. § 102(e) as anticipated by U.S. Patent No. 6,157,953 to Chang et al. (“*Chang*”). Claims 1, 2, 5, 6, 8–14, 21, 23, 24, 27, 28, and 30–36 were rejected under 35 U.S.C. § 103(a) as unpatentable over *Regnier* in view of *Chang*. Claims 3, 7, 18, 25, and 29 were rejected under 35 U.S.C. § 103(a) as unpatentable over *Regnier* in view of *Chang* and further in view of *Cook*. Claims 4 and 26 were rejected under 35 U.S.C. § 103(a) as unpatentable over *Regnier* in view of *Chang* and further in view of U.S. Patent No. 5,930,804 to Yu et al. (“*Yu*”). These rejections were made final.

This Response amends claims 1, 12, 13, 16, 18, 23, 34, and 35, and cancels claims 11 and 33. Upon entry of this paper, claims 1–10, 12–14, 16–32, and 34–36 will be pending in this application. Support for the amendments to claims 1, 16, and 23 may be found, for example, at pages 22–25 of the specification. Claim 18 is amended for consistency with amended independent claim 16, from which it depends. Claims 12–13 and 34–35 are amended to directly depend from amended independent claims 1 and 23, respectively. Claim 34 is also amended for

consistency with amended independent claim 23, from which claim 34 now directly depends. The Applicants submit that no new matter is introduced by these amendments.

Copies of Cited References CB–CE are Submitted with this Response

The instant Office Action says that the Information Disclosure Statements filed on August 15, 2000, and September 15, 2000, fail to comply with Rule 1.98(a)(2) and have been placed in the application file, but the information referred to therein has not been considered. The Office Action specifically identifies references CB, CC, CD, and CE as missing and not considered.

Copies of previously-cited references CB, CC, CD, and CE are herewith enclosed for the Examiner's review. Should additional copies of any other previously-cited reference be required, the undersigned invites the Examiner to contact him by telephone at the number below in connection with any such request.

Formal Drawings are Submitted with this Response

The Office Action of May 1, 2002, objected to the drawings for failure to comply with Rule 1.84. The Response of September 3, 2002, argued that the drawings complied with Rule 1.84 and requested that these objections be withdrawn.

The instant Office Action approves a "proposed drawing correction and/or the proposed sheets of drawings" and requires submission of the correction and/or drawings to avoid abandonment. The Office Action also says that the informal drawings filed with the application are acceptable for examination purposes.

The Applicants herewith enclose 11 pages of formal drawings and believe that this submission satisfies any requirement concerning the drawings. Should additional action be required with respect to the drawings, the Examiner is invited to contact the undersigned at the number listed below.

The Amended Claims are Patentable over *Chang*

Claims 16–17, 19–20, and 22 were rejected under 35 U.S.C. § 102(e) as anticipated by *Chang*. The Applicants respectfully traverse this rejection as applied to the claims, as amended.

According to MPEP § 2131, a claim is anticipated only if each and every element set forth in a claim is found in a single prior art reference. The Applicants respectfully submit that *Chang* fails to meet this exacting standard as applied to independent claim 16, as amended.

As disclosed and claimed, Applicants' invention relates to methods and apparatus for the remote execution of application programs on servers selected from a plurality of server systems for display on a client system. In broad overview, a web server in accord with Applicants' invention receives an identification of at least one application program hosted by a server, creates a page describing a display of hosted application programs available to the client system, and transmits the page to the client system for display. Specification at 22, 25. A user of the client system may select one of the hosted application programs for execution by, e.g., selecting a displayed icon. Specification at 25.

The selected application program is executed at a server chosen from the plurality of server such that the output of the executing application program is displayed at the client system. Id. These features are specifically recited by Applicants' amended independent claim 16 that says, in part, that "the service module [of the web server] chooses . . . a server selected from the plurality of servers for executing the application program for display on the client system" and that "one of the hosted application programs, upon selection, is executed at the chosen server for display on the client system."

In distinct contrast, *Chang* does not teach or suggest such limitations. The web server 208 of *Chang*, identified in the Office Action, manages software applications and services on management clients 206. Col. 6, ln. 16–17, ln. 46–48. The web server 208 may be used, for example, to install a new service or to upgrade an existing service on the management clients 206. Col. 6, ln. 55–57. However, the web server 208 of *Chang*, unlike the Applicants' claimed web server, does not choose a server from a plurality of servers to execute an application for display on a client system.

Therefore, *Chang* fails to teach or suggest all of the elements presented in Applicants' independent claim 16, as amended. Accordingly, Applicants respectfully submit that amended independent claim 16 is patentably distinct over *Chang*. Because claims 17, 19–20, and 22

depend, either directly or indirectly, from amended independent claim 16, the Applicants respectfully submit that these claims are allowable as well.

The Amended Claims are Patentable over *Regnier* and *Chang*, Alone or in Proper Combination

Claims 1, 2, 5, 6, 8–14, 21, 23, 24, 27, 28, and 30–36 were rejected under 35 U.S.C. § 103(a) as unpatentable over *Regnier* in view of *Chang*. Claims 3, 7, 18, 25, and 29 were rejected under 35 U.S.C. § 103(a) as unpatentable over *Regnier* in view of *Chang* and further in view of *Cook*. Claims 4 and 26 were rejected under 35 U.S.C. § 103(a) as unpatentable over *Regnier* in view of *Chang* and further in view of *Yu*. Claims 11 and 33 are cancelled, thereby mooted the rejection of those claims over *Regnier* and *Chang*. The Applicants respectfully traverse the rejections as applied to the remaining claims, as amended.

MPEP § 2142 states that, to establish a prima facie case of obviousness of a claim, it is necessary to show that prior art references, either alone or in combination, teach or suggest all of the limitations of the claim. The Applicants respectfully submit that, as amended, independent claims 1, 16, and 23, all recite limitations that the cited references, either alone or in combination, neither teach nor suggest. The Applicants also note that if an independent claim is nonobvious under 35 U.S.C. § 103, then by necessity the claims that depend from it are also nonobvious. See MPEP § 2143.03.

As discussed above, Applicants' invention, as disclosed and claimed, relates to methods and apparatus for the remote execution of application programs on servers selected from a plurality of server systems for display on a client system. In particular, amended independent claims 1 and 23 recite, in parts, "choosing, from the plurality of servers, a server hosting the requested application program," "executing the requested application program at the chosen server," and "providing output from the executing application program to the client system for display at the client system." Moreover, as discussed above, amended independent claim 16 says, in part, that "the service module [of the web server] chooses . . . a server selected from the plurality of servers for executing the application program for display on the client system" and that "one of the hosted application programs, upon selection, is executed at the chosen server for display on the client system."

The Applicants respectfully submit that, in distinct contrast, neither *Regnier* nor *Chang*, either alone or in proper combination, teaches or suggests such limitations. As conceded by the Office Action, *Regnier* does not disclose “determining a server selected from a plurality of servers for executing [an] application.” Office Action at 5. Therefore *Regnier* does not teach, e.g., “choosing, from [a] plurality of servers, a server hosting [a] requested application program.”

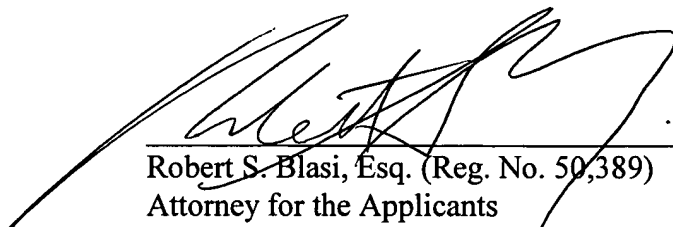
Moreover, for the reasons set forth above, *Chang* does not cure the deficiencies of *Regnier*. Specifically, the web server 208 of *Chang* manages software applications and services on management clients 206; it does not, as the Applicants’ claims require, choose a server, from amongst a plurality of servers, to execute an application program for display on a client system.

The Applicants, therefore, respectfully submit that amended independent claims 1, 16, and 23 are patentably distinct over *Regnier* and *Chang*, taken alone or in proper combination. Because claims 2–10, 12–14, 18, 21, 24–32, and 34–36 depend, either directly or indirectly, from amended independent claims 1, 16, and 23, the Applicants respectfully submit that these dependent claims are allowable as well.

CONCLUSION

In light of the foregoing, the Applicants respectfully submit that all of the pending claims are now in condition for allowance. Accordingly, Applicants respectfully request reconsideration, withdrawal of all grounds of rejection, and allowance of claims 1–10, 12–14, 16–32, and 34–36 in due course. If the Examiner believes that a telephone conversation with the Applicants’ attorney would be helpful in expediting the allowance of this application, the Examiner is invited to call the undersigned.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Robert S. Blasi', is written over a horizontal line.

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